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4

5 **U.S. Bankruptcy Court**
6 **Northern District of Ohio (Cleveland)**

7 **DEBTOR**) **Bankruptcy Petition #: 11-10245**
8 **BRETT ALAN DIAR**)
9)
10) **Chapter 7**

11) **DEBTORS' FIRST AMENDED MOTION TO**
12 **VACATE THE ORDER OF DISMISSAL**

13 **TO THE HONORABLE JUDGE PAT E. MORGENSTERN-CLARREN, UNITED STATES**
14 **BANKRUPTCY COURT JUDGE, THE TRUSTEE AND OTHER INTERESTED PARTIES:**

15 NOW COMES, Debtor by and through his attorney of record and files this his First Amended
16 Motion to Vacate the Order of Dismissal which was entered by this Court on March 15, 2011 and would
17 respectfully show the court as follows:

18 1. This Chapter 7 proceeding was dismissed on March 15, 2011 because of the Debtor's
19 failure to appear at his 341 hearing scheduled on February 14, 2011.

20 2. Debtor's failure to appear was due to a miscommunication between Debtor and Debtor's
21 attorney's office staff as to the time and place of the hearing.

22 WHEREFORE, Debtor prays for an Order:

23 A. Reopening this Chapter 7 proceeding; and

24 B. Granting such other relief as the Court deems proper.
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26

1 DATED: April 4, 2011.

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3 Respectfully Submitted,

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5 /s/ Diana Khouri

6 **Diana Khouri** (0067530)

7 Attorney for Debtor

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9 **CERTIFICATE OF SERVICE**

10 In addition to the parties who will be served by the Court's ECF System, I certify that a copy of this
11 motion was served by first class mail on this the 4th day of April, 2011 on the following parties affected
12 thereby:

13 Trustee

14 **Sheldon Stein**

15 50 Public Square, Ste. 400

16 Post Office Box 5606

17 Cleveland, OH 44101

18 Office of The United States Trustee

19 Howard M. Metzenbaum U.S. Courthouse

20 201 Superior Avenue East

21 Suite 441

22 Cleveland, Ohio 44111

23
24 /s/ Diana Khouri

25 Diana Khouri